

Herbert A. Viergutz, Esq.
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Attorneys for United States Fidelity and Guaranty Company

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT ANCHORAGE**

UNITED STATES OF AMERICA for the use of NORTH STAR TERMINAL & STEVEDORE COMPANY, d/b/a NORTHERN STEVEDORING & HANDLING, and NORTH STAR TERMINAL & STEVEDORE COMPANY, d/b/a NORTHERN STEVEDORING & HANDLING, on its own behalf.

Plaintiffs,

and

UNITED STATES OF AMERICA for the use of SHORESIDE PETROLEUM, INC., d/b/a MARATHON FUEL SERVICE, and SHORESIDE PETROLEUM, INC., d/b/a MARATHON FUEL SERVICE, on its own behalf,

No. 3:98-cv-9 (TMB)

Intervening Plaintiffs,

and

METCO, INC.,

Intervening Plaintiff,

vs.

NUGGET CONSTRUCTION, INC.; SPENCER ROCK PRODUCTS, INC.; UNITED STATES FIDELITY AND GUARANTY COMPANY; and ROBERT A. LAPORE,

Defendants.

AFFIDAVIT OF COUNSEL

BAROKAS MARTIN & TOMLINSON
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Herbert A. Viergutz, being first duly sworn upon oath, deposes and states as follows:

1. I am counsel of record for USF&G, in the above captioned matter.
2. I herein request that I be allowed to participate telephonically in the Hearing scheduled for January 24, 2007.
3. My son broke his back in a sledding accident over the weekend and is in need of supervised care at this time. I would appreciate being able to participate telephonically at the Hearing while being able to care for him.

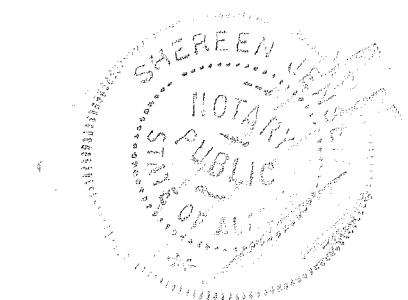
FURTHER YOUR AFFIANT SAYETH NAUGHT.

Dated this 23 day of January, 2007.

Herbert A. Viergutz

SUBSCRIBED AND SWORN TO before me this 23 day of January, 2007.

Notary Public in and for Alaska
My Commission Expires: 11-17-10



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3 **CERTIFICATE OF SERVICE**

4 THEREBY CERTIFY that a copy of this document
was served by electronic notification on this 23rd
day of January, 2007, to:

5 Michael W. Sewright, Esq.
Burr, Pease & Kurtz
6 810 N Street
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7 Paul Stockler, Esq.
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13 /s Herbert A. Viergutz

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